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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**MOTION FOR LEAVE TO SUBMIT
ADDITIONAL AUTHORITY IN SUPPORT
OF DEFENDANTS' OPPOSITION TO
CLASS CERTIFICATION**

Judge: Hon. Claudia Wilken

1 On August 15, 2023, the Court granted Defendants' motion to conduct an additional
2 deposition of Plaintiffs' expert Daniel A. Rascher, *see* ECF No. 308, in advance of the upcoming
3 hearing on class certification. That deposition took place on September 1, 2023. Accordingly,
4 Defendants respectfully request that the Court consider, as part of the class certification record, the
5 following testimony, all of which bears on the issues raised in Defendants' Joint Opposition. *See*
6 ECF No. 252 at 21–32, 34–36. Plaintiffs do not join this motion.

7 In lieu of further briefing, Defendants ask the Court to consider the following excerpts in
8 its deliberations:

9 **September 1, 2023 Supplemental Deposition of Dr. Daniel A. Rascher:** 17:14–18:3;
10 24:3–22; 26:7–27:25, 28:3–5; 28:13–29:20, 29:23–30:5; 44:14–45:5, 45:10–45:15; 51:13–53:3,
11 53:6–54:14; 62:3–62:18, 62:21; 68:24–69:18, 69:21–70:5, 70:8–71:15, 71:18–72:21; 75:23–78:25;
12 80:7–81:14; 85:16–86:23; 88:7–89:5; 117:8–120:13, 120:17–123:8; 126:19–128:23; 134:6–11,
13 134:14–18, 134:21–25; 136:3–139:15.

1 Dated: September 19, 2023

Respectfully Submitted,

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